

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

JOHN COSTANZO JR. and
MANUEL RECIO,

Defendants.

Case No. 22 Cr. 281 (JPO)

**DEFENDANT MANUEL RECIO'S MOTION TO SUPPRESS EVIDENCE
DERIVED FROM WIRE INTERCEPTIONS
AND TO DISMISS MULTIPLICITOUS COUNTS**

Defendant Manuel Recio respectfully moves: (i) to join in the Memorandum of Law in Support of Defendant John Costanzo Jr.'s Motion to Suppress Evidence Derived from Wire Interceptions and to Dismiss Multiplicitous Counts, (ii) to suppress evidence derived from the wiretap of Mr. Recio's cellphone and from subsequent search warrants, or for a *Franks* hearing pursuant to 18 U.S.C. § 2518(10) and *Franks v. Delaware*, 438 U.S. 154 (1978), and (iii) to dismiss multiplicitous counts of the Indictment, pursuant to Federal Rule of Criminal Procedure 12(b)(3)(B)(ii) and the Double Jeopardy Clause of the Fifth Amendment.

In support, Mr. Recio respectfully submits the accompanying supporting Memorandum of Law, Declaration of Amber Donner, including among other things, the Affidavit of Manuel Recio.

Dated: March 13, 2023
New York, New York

Respectfully submitted,

s/Amber Donner
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